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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: UBER TECHNOLOGIES, INC.,  
9 PASSENGER SEXUAL ASSAULT  
10 LITIGATION

Case No. 23-md-03084-CRB

11 This Document Relates to:  
12 ALL CASES  
13

**AFFIDAVIT OF TIFFANY R. ELLIS IN  
SUPPORT OF PLAINTIFFS' LIST OF  
DISPUTED ENTRIES FOR SPECIAL  
MASTER REVIEW**

Judge: Honorable Barbara S. Jones

1 I, Tiffany R. Ellis, hereby declare as follows:

2 1. I am a partner of Peiffer Wolf Care Kane Conway & Wise, an attorney licensed in  
3 the States of Michigan and Illinois and duly admitted to practice before this Court, representing  
4 Plaintiffs in the above caption action.

5 2. I submit this declaration in support of Plaintiffs' List of Disputed Entries for  
6 Master Review on May 21, 2025.

7 3. Plaintiffs incorporate the Discovery Letter Brief Regarding Disputed Entries for  
8 Master Review filed by All Plaintiffs on March 4, 2025. *See* ECF No. 2434. Plaintiffs  
9 incorporate the brief to support the specific reasons each entry on the List of Disputed Entries  
10 was challenged. The Brief included the general background of the privilege dispute process to  
11 date, the legal standard for Plaintiffs raising challenges to Defendants' privilege log entries, and a  
12 general argument for the challenges Plaintiffs raised.

13 4. The List of Disputed Entries for Master Review Plaintiffs provided on May 21,  
14 2025, contained an entry still in dispute from Defendants' May 7, 2025 claw back notices.

15 **Claw Back Notices**

16 5. Defendants sent Plaintiffs two claw back notices on May 7, 2025. The notices  
17 included many overlapping documents, but they were not entirely duplicative. Together, they  
18 identified twenty-nine (29) individual documents.

19 6. Ten of the documents appeared on Defendants' May 2, 2025 privilege log. On  
20 May 9, 2025, Plaintiffs challenged Defendants' assertion of privilege to two of these ten  
21 documents. Additionally, Plaintiffs raised issue to Defendants' claw back of the two documents  
22 via e-mail sent on May 12, 2025.

23 7. Defendants did not provide privilege log entries for two documents included on  
24 the claw back notices until May 19, 2025. Plaintiffs included the dispute regarding one of these  
25 documents with other disputes stemming from Defendants' May 16, 2025 claw back notice.

26 8. Three documents were logged on Defendants' "Tranche" privilege logs.

27 9. UBER\_JCCP\_MDL\_001719965 (logged as JCCP\_MDL\_PRIVLOG001121) was  
28 a Tranche 1 log entry included on a privilege log Defendants produced on September 14, 2024

1 and Uber fully withdrew its privilege claim as part of its Court-mandated re-review.

2 10. UBER\_JCCP\_MDL\_003340172 logged as JCCP\_MDL\_PRIVLOG023201 is a  
3 Tranche 1 log entry included on a privilege log Defendants produced on September 25, 2024 and  
4 Uber fully withdrew its privilege claim in its Court-mandated re-review.

5 11. UBER\_JCCP\_MDL\_003340806 logged as JCCP\_MDL\_PRIVLOG054410 is a  
6 Tranche 3 log entry included on a privilege log Defendants produced on December 3, 2024,  
7 which plaintiffs challenged at the time. Defendants withdrew their privilege claim in part and  
8 produced the document with redactions during the mandated re-review process. Plaintiffs then  
9 removed their challenges based on redactions Uber provided during the mandated re-review  
10 process.

11 12. Judge Cisneros addressed the issue of Defendants attempting to claw back  
12 documents that appeared on “Tranche” privilege logs during the April 24, 2025 discovery  
13 hearing. “So, essentially if I allow Uber to serve clawback notices as to documents that were de-  
14 designated during that process after they had been posted on a privilege log that was then re-  
15 reviewed, then we are seriously turning this into a merry-go-round process. And so, I consider  
16 those de-designation decisions to be waiver of -- of the privilege assertion.” *See* 4/24/25 H’rg Tr  
17 at 9:13–19 attached hereto as Exhibit 1. Judge Cisneros further stated, “[b]ut at least for the time  
18 period in which privilege assertions were withdrawn, documents were de-designated and taken  
19 off the privilege log while I was handling the privilege log process and ordering rereviews on  
20 multiple occasions, then those privilege assertions are waived and they should not be part of  
21 clawback.” *Id.* 10:4–9.

22 13. Judge Cisneros, during the May 22, 2025 Discovery Status Conference, held  
23 “Uber may not claw back documents that it has designated as privileged and subsequently de-  
24 designated, at least where such de-designation occurred while the Court was overseeing privilege  
25 disputes, prior to appointment of the Special Master.” *See* ECF No. 3059.

26 14. On May 16, 2025, Plaintiffs provided their challenges to Defendants’ May 7,  
27 2025 claw back notices.  
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16. On May 21, 2025, Plaintiffs provided their final list of eighteen disputed claw back entries to the Master and Defendants.

Executed this 2nd day of June 2025 in Detroit, Michigan.

/s/ Tiffany R. Ellis  
Tiffany R. Ellis